

REMARKS

Entry of the Amendment is proper under 37 C.F.R. §1.116 because the Amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration because the Amendment amplifies issues previously discussed throughout prosecution; (c) does not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) places the application in better form for appeal, should an Appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. The amendments to the subject claims do not incorporate any new subject matter into the claims. Thus, entry of the Amendment is respectfully requested.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as anticipated by Berchoux (U.S. Patent No. 4,529,321) in view of Wotring (U.S. Patent No. 5,005,990). The rejection is respectfully traversed.

Berchoux teaches a device for the continuous preparation of fine and uniform dispersions of a powdered polymer, based on vinyl chloride, in a solvent. The device includes an inclined turbine, a feed pipe for powder and a feed pipe for liquid. The inclined turbine has at least two rows of blades which prevent the dispersion from returning to the center of the turbine, one row being exactly situated around the center of the turbine and the other being in the outermost part of the turbine. The two rows of blades are separated by a relatively small circular space. The feed pipe for powder and the feed pipe for liquid are located at separate points on the the turbine and respectively on each part of the turbine corresponding to the rows of blades. Each of the feed pipes is used for a single constituent. The feed pipe for the powder emerges in a central zone of the turbine on one row of blades and the feed pipe for the liquid emerges at the external part of the turbine on the other row of blades. A discharge duct for the dispersion is located tangentially with respect to the turbine at the level of the outer blades. Further, the turbine does not need grinders and scrapers.

Claim 1, as amended, is directed to a homogenizer comprising a thrust hydrodynamic bearing and means for applying an external force to an agitation rotor. Claim 1 recites that the thrust hydrodynamic bearing extends along and about a longitudinal axis and includes a fixed

portion and a disc-shaped agitation rotor disposed longitudinally apart from one another. Claim 1 further recites that the agitation rotor has an agitation rotor surface and the fixed portion and the agitation rotor surface are opposingly arranged in a face-to-face manner to define a predetermined bearing clearance between the facially-opposing fixed portion and the agitation rotor surface with the fixed portion formed with at least one longitudinally-extending introduction port to introduce a plurality of mutually incompatible raw liquids in a longitudinally-flowing direction toward the agitation motor surface and into the bearing clearance to be mixed and agitated in the bearing clearance by rotation of the agitation rotor. Further, claim 1 recites that the means for applying an external force to the agitation rotor applies the external force to the agitation rotor in a direction opposite to the longitudinally-flowing direction with the external force being sufficient to maintain the predetermined bearing clearance constant while the agitation rotor rotates.

It is respectfully submitted that the rejection is improper because the applied art fails to teach each element of claim 1 as amended. It is respectfully submitted that the applied art fails to teach a thrust hydrodynamic bearing and means for applying an external force to an agitation rotor. Specifically, it is respectfully submitted that claim 1 fails to recite a fixed portion formed with at least one longitudinally-extending introduction port to introduce a plurality of mutually incompatible raw liquids in a longitudinally-flowing direction toward an agitation motor surface and into the bearing clearance to be mixed and agitated in the bearing clearance by rotation of the agitation rotor. Additionally, claim 1 fails to recite means for applying an external force to the agitation rotor in a direction opposite to the longitudinally-flowing direction with the external force being sufficient to maintain the predetermined bearing clearance constant while the agitation rotor rotates. As a result, in our opinion, claim 1 is allowable over the applied art.

Claim 2 depends from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that claim 2 is allowable at least for the reason claim 1 is allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

Claim 3 is rejected under 35 U.S.C. 103(a) as unpatentable over Berchoux in view of Auerbach (U.S. Patent No. 1,790,967). The rejection is respectfully traversed.

Auerbach teaches an apparatus for preparing emulsions.

Claim 3 depends from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that claim 3 is allowable at least for the reason claim 1 is allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

Claim 4 is rejected under 35 U.S.C. 103(a) as unpatentable over Berchoux in view of Furukawa (U.S. Patent Application Publication No. 2002/0060950). The rejection is respectfully traversed.

Furukawa teaches an emulsion producing apparatus.

Claim 4 depends from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that claim 4 is allowable at least for the reason claim 1 is allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Application No. 10/692,751
Amendment dated May 31, 2006
After Final Office Action of February 14, 2006

Docket No.: IDE-0232

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

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Respectfully submitted,

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